

REMARKS

Claims 1-11 are pending in this application. Claims 2-5 and 7 are amended. Claim 1 is cancelled without prejudice. Support for the amendments is found throughout the specification and the drawings. In view of the following amendments and remarks, Applicant respectfully requests reconsideration of the application.

I. Rejection Of Claims 4-11 Under 35 U.S.C. § 112

The Examiner rejected claims 4-11 as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner stated that there is insufficient antecedent basis for the phrase “the bottom side of the interior compartment.” Claim 2 has been amended to address the Examiner’s rejection. Claims 3-6 are on allowable claim 2, and therefore, the § 112 rejection of claims 2-6 should be withdrawn.

Claim 7 has also been amended the phrase “said compartment having a” in order to add proper antecedent basis for this limitation. Claims 8-11 are on allowable claim 7, and therefore, Applicant respectfully requests that the § 112 rejection of claims 7-11 be withdrawn. These amendments have not been made for purposes of patentability as defined in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000). No new matter has been added by these amendments.

II. Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(b)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,276,589 to Barlett et al. (“Barlett”). Applicant respectfully traverses.

A. Claim 1

The Examiner states that Barlett teaches a console lid positioned over a console for pivotal movement relative thereto. The Examiner also states that Barlett shows a display screen pivotally positioned within an interior compartment of the lid to allow the frame and the screen to move between at least two positions relative to the lid.

Claim 1 has been cancelled, therefore its rejection is moot.

B. Claim 2

The Examiner states that Barlett also teaches that the lid can pivot between an open position and a closed position. Respectfully, Applicant submits that amended claim 2 is not anticipated by Barlett.

Claim 2 has been amended to include the limitations of claim 1. Additionally, claim 2 has been amended to add the limitation that when the movable frame is in a closed position, the screen is inaccessible. The screen of Barlett is specifically designed to be accessible in any of its pivotable positions. When the frame is closed, as shown in Figure 4 of Barlett, the screen can be pivoted so that it is still accessible. When the movable frame of the present invention is in its closed position, the screen is inaccessible and protected from damage. There would be no reason to modify Barlett so that one of the positions of the screen was inaccessible, since the purpose of the pivoting screen is to allow accessibility from multiple angles. Furthermore, claim 2 has been amended to include the limitation that the console include a storage bin. Barlett describes a notebook computer having a pivotable screen, there is no storage bin, nor is there any suggestion to replace the keyboard and other elements of the computer with a storage bin. To do so would require removing the hard drive, keyboard and other

computer components. The resulting apparatus would not even be a notebook computer. Therefore, there is no suggestion nor would it be obvious to one skilled in the art to make this change. Applicant submits that claim 2, as amended, is allowable, and requests that the rejection of claim 2 be withdrawn.

III. Rejection of Claims 3-5 Under 35 U.S.C. § 103(a)

The Examiner states that claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barlett in view of U.S. Patent No. 6,045,173 to Tiesler et al. ("Tiesler"). Applicant respectfully traverses.

A. Claim 3

The Examiner states that Tiesler teaches a cover having an opened and a closed position and when the cover is in the open position, a storage bin is uncovered. The Examiner states that it would have been obvious to one skilled in the art to combine the storage bin as taught by Tiesler with the console lid mounted screen of Barlett. Applicant respectfully traverses.

There is no suggestion to combine Barlett and Tiesler. Barlett relates to the field of laptop computers, while Tiesler relates to automobile storage counsels. These fields are completely unrelated. Furthermore, as previously stated, it would not be obvious to modify the movable frame of the laptop computer of Barlett to replace the computer components with a storage bin. Nor would it be obvious to modify Tiesler to replace the console lid with a laptop computer. Additionally, the pivotable screen of Barlett would not provide a comfortable arm rest if it was combined with the storage bin of Tiesler. As is shown in Figures 1-2 of Barlett, when the screen is pivoted so that it is completely inside the frame, the screen is not flush with the frame. This would result in an uneven

surface that would not be comfortable for a driver when the screen was closed.

Furthermore, there is no suggestion in Tiesler to put something pivotable in the actual lid. Tiesler describes numerous elements that could be positioned under the lid, but nothing that would be positioned on the top of the lid.

Moreover, even if Barlett and Tiesler were combined, there would not be a rigid protective layer protecting the screen when it is in its closed position, as is the case in the present invention. The Examiner notes that bottom horizontal portion 24 of the frame member 18 of Barlett is substantially rigid. However, this portion does not provide any protection for the screen when it is in a closed position, as is claimed in amended claim 2. Therefore, Applicant respectfully requests that the rejection of claim 3 be withdrawn.

Claim 3 has also been amended to add the limitation that the lid can pivot between an open position and a closed position, allowing access to the storage bin. This amendment was necessary because of the cancellation of claim 1 and the amendment to claim 2, and was not made for purposes of patentability as defined in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000). This amendment does not add new matter.

B. Claim 4

Claim 4 is dependant on allowable claim 3, and therefore Applicant respectfully requests that its rejection be withdrawn. Furthermore, as described above, the substantially rigid bottom horizontal portion 24 of Barlett is positioned differently than the bottom portion of the present invention, and does not provide protection for the screen when the movable frame is in a closed position.

Claim 4 has also been amended to replace the word “the” with the word “said” for consistency. This amendment was not made for purposes of patentability as defined in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000). This amendment does not add new matter.

C. Claim 5

The Examiner claims it is inherent to Barlett that with the lid closed and the screen with the back out, that when the frame is in the closed position, the screen is hidden from view and the lid has a substantially flat profile. Respectfully, Applicant believes that the Examiner is mistaken in that when the screen is in this position, the lid does not have a substantially flat profile. As can be seen in figures 1 and 2 of Barlett, the edges of the frame are not flush with the screen itself. When the screen is in this position, the screen would form an indent in the lid. This would not be comfortable for a driver to rest his or her arm on. Furthermore, claim 5 is dependant on allowable claim 4, and therefore its rejection should be withdrawn.

Claim 5 has been amended to remove a repetitive phrase as a result of the amendments to claims 2-4. This amendment has not been made for purposes of patentability as defined in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000).

III. Rejections of Claims 6-9 Under 35 U.S.C. § 103(a)

Claims 6-9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Barlett in view of Tiesler as applied to claims 3-5, and further in view of U.S. Patent No. 5,494,447 to Zaidan (“Zaidan”). The Examiner states that Zaidan teaches the use

of a pinion to help a display part remain stationary at any angle relative to a base part. Applicant respectfully traverses.

A. Claim 6

The pinion construction disclosed in Zaidan is not a friction pinion. It is a complex construction that allows both the upper and lower portions to move independently and be adjusted to remain in any position. This construction comprises an arm 59 that extends from the side of the device and can be adjusted in an elongated opening with an apparatus that is used to tighten the arm so that it cannot move once it is in the desired position. This is shown in Figure 2 of Zaidan. This is not a friction pinion and bears no relation to the friction pinion of the present invention. In order to combine the pinion of Zaidan with the laptop with movable screen of Barlett and the console with storage bin of Tiesler, the entire apparatus would have to be redesigned. The arm 59 of Zaidan would necessitate extra room in the compartment that houses the movable screen. This would mean that there would be an extra gap around at least one side of the screen. Again, this would not be a substantially flat surface. Furthermore, it would add unnecessary complexity and expense to the simple friction pinion design of the present invention. Therefore, there is no suggestion to combine these patents in this manner, nor would all elements of the present invention be present if they were combined. Furthermore, claim 6 is dependant on allowable claim 5, therefore, Applicant requests that the rejection of claim 6 be withdrawn.

B. Claim 7

The Examiner has rejected claim 7 as unpatentable over Barlett in view of Tiesler further in view of Zaidan. For the same reasons as described in the discussion of claim

6, Zaidan does not show a friction pinion, nor would it be obvious to modify Zaidan in order to produce a friction pinion. There is no suggestion to combine this patent with the other two, and even if they were combined, for the reasons stated previously, all elements of the present invention would not be present. Therefore, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

C. Claim 8

The Examiner stated that Zaidan teaches the use of a pinion to help a display part remain stationary at any angle relative to a base part. As previously discussed, the pinion of Zaidan is completely different from the friction pinion of the present invention. Furthermore, claim 8 is dependant upon allowable claim 7, and the rejection of claim 8 should be withdrawn.

D. Claim 9

The Examiner claims that it is inherent to Barlett that with the lid closed and the screen with the back out, when the frame is in the closed position, the screen is hidden from view and has a substantially flat profile. Applicant respectfully disagrees for the same reasons set forth in the previous discussion of claim 5. Furthermore, claim 9 is dependant upon allowable claim 8, and therefore its rejection should be withdrawn.

E. Claims 10 and 11

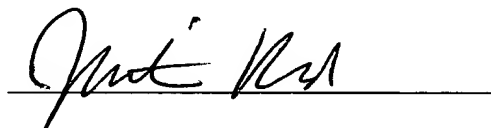
Claims 10 and 11 are based upon allowable claim 9. Therefore, Applicant respectfully requests that their rejection be withdrawn.

V. Conclusion

In conclusion, Applicant has overcome each of the rejections. The application is therefore in condition for allowance and early notification of allowance is respectfully requested. If, for any reason, the Examiner believes that the amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 245-5394 to resolve any remaining issues.

A marked-up version of the changes made to the claims by current amendment is attached (Appendix A)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin B. Rand", is written over a horizontal line.

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